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**United States District Court
Western District of Michigan (Southern Division (1))
CIVIL DOCKET FOR CASE #: 1:18-cv-01156-JTN-ESC**

Varnum LLP v. United States Department of Labor
Assigned to: Judge Janet T. Neff
Referred to: Magistrate Judge Ellen S. Carmody
Cause: 05:552 Freedom of Information Act

Date Filed: 10/09/2018
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: U.S. Government Defendant

plaintiff

Varnum LLP

represented by **Perrin Rynders**

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V.

defendant

United States Department of Labor

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intervenor

**Blue Cross Blue Shield of Michigan Mutual
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| Date Filed | # | Docket Text |
|------------|-------------------|--|
| 10/09/2018 | 1 | COMPLAINT <i>for Declaratory and Injunctive Relief</i> against United States Department of Labor filed by Varnum LLP (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6) (Phelps, Aaron) (Entered: 10/09/2018) |
| 10/09/2018 | | FILING FEE PAID re 1 by plaintiff Varnum LLP in the amount of \$400, receipt number 0646-4258616 (Phelps, Aaron) (Entered: 10/09/2018) |
| 10/11/2018 | 2 | NOTICE that this case has been assigned Janet T. Neff ; with NOTICE OF DEFICIENCY re corporate disclosure statement (ems) (Entered: 10/11/2018) |

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| 10/11/2018 | | SUMMONS NOT ISSUED as to defendant United States Department of Labor (<i>none provided; please refer to Federal Rule of Civil Procedure 4(i) regarding service on the United States and Its Agencies, Corporations, Officers, or Employees</i>) (ems) (Entered: 10/11/2018) |
| 10/11/2018 | 3 | PROPOSED SUMMONS to be issued re 1 (Phelps, Aaron) (Entered: 10/11/2018) |
| 10/11/2018 | 4 | CORPORATE DISCLOSURE STATEMENT by Varnum LLP (Phelps, Aaron) (Entered: 10/11/2018) |
| 10/12/2018 | | SUMMONS NOT ISSUED as to defendant United States Department of Labor ; <i>please refer to Federal Rule of Civil Procedure 4(i) regarding service on the United States and Its Agencies, Corporations, Officers, or Employees</i> (pjw) (Entered: 10/12/2018) |
| 10/12/2018 | 5 | PROPOSED SUMMONS to be issued re 1 (Phelps, Aaron) (Entered: 10/12/2018) |
| 10/15/2018 | 6 | SUMMONS ISSUED as to defendant United States Department of Labor, U.S. Attorney and U.S. Attorney General (ems) (Entered: 10/15/2018) |
| 11/15/2018 | | (NON-DOCUMENT) ATTORNEY APPEARANCE of Carolyn Ann Almassian on behalf of defendant United States Department of Labor (Almassian, Carolyn) (Entered: 11/15/2018) |
| 11/15/2018 | 7 | ANSWER to complaint, 1 with affirmative defenses by United States Department of Labor (Almassian, Carolyn) (Entered: 11/15/2018) |
| 11/15/2018 | 8 | ORDER setting Rule 16 scheduling conference: Rule 16 scheduling conference is set for 1/2/2019 at 11:00 AM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; joint status report due by 12/26/2018; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 11/15/2018) |
| 11/19/2018 | 9 | UNOPPOSED MOTION to intervene intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co.; (Attachments: # 1 Exhibit 1) (O'Reilly, Arthur) (Entered: 11/19/2018) |
| 11/19/2018 | 10 | BRIEF in support of UNOPPOSED MOTION to intervene intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. 9 filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Arthur) (Entered: 11/19/2018) |
| 11/19/2018 | 11 | CERTIFICATE regarding compliance with LCivR 7.1(d) re UNOPPOSED MOTION to intervene intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. 9 filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Arthur) (Entered: 11/19/2018) |
| 11/20/2018 | | (NON-DOCUMENT) ATTORNEY APPEARANCE of Andrew J. Clopton on behalf of intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Clopton, Andrew) (Entered: 11/20/2018) |
| 11/20/2018 | 12 | ORDER granting 9 unopposed motion for intervention; Blue Cross Blue Shield of Michigan Mutual Insurance Company, shall no later than 11/27/2018, file an answer consistent with the proposed answer; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 11/20/2018) |
| 11/21/2018 | 13 | REQUEST for pre-motion conference by plaintiff Varnum LLP <i>for Summary Judgment Motion</i> (Phelps, Aaron) (Entered: 11/21/2018) |
| 11/21/2018 | 14 | ANSWER to complaint, 1 with affirmative defenses by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Arthur) (Entered: 11/21/2018) |
| 11/21/2018 | | (NON-DOCUMENT) ATTORNEY APPEARANCE of C. Kevin Marshall on behalf of intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Marshall, C.) (Entered: 11/21/2018) |
| 11/26/2018 | | (NON-DOCUMENT) ATTORNEY APPEARANCE of Rebecca D'Arcy O'Reilly on behalf of intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Rebecca) (Entered: 11/26/2018) |
| 11/27/2018 | 15 | RESPONSE TO REQUEST for pre-motion conference by plaintiff Varnum LLP <i>for Summary Judgment Motion 13 and Defendant United States Department of Labor's Pre-Motion Conference Request and Response to Plaintiff's Pre-Motion Conference Request</i> ; filed by United States Department of Labor (Almassian, Carolyn) Modified text on 11/29/2018 (ems). (Entered: 11/27/2018) |
| 11/28/2018 | 16 | RESPONSE TO REQUEST for pre-motion conference by plaintiff Varnum LLP <i>for Summary Judgment Motion 13</i> ; filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Arthur) (Entered: 11/28/2018) |
| 12/04/2018 | 17 | ORDER scheduling a pre-motion conference regarding document number 13 : pre-motion conference is set for 1/9/2019 at 02:30 PM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 12/04/2018) |

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| 12/04/2018 | 18 | ORDER rescheduling Rule 16 conference: Rule 16 scheduling conference rescheduled to 1/9/2019 at 02:30 PM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; joint status report due by 1/2/2019; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 12/04/2018) |
| 12/04/2018 | 19 | RESPONSE TO 15 <i>United States Department of Labor's Pre-Motion Conference Request</i> filed by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (O'Reilly, Arthur) (Entered: 12/04/2018) |
| 12/13/2018 | 20 | REQUEST for pre-motion conference by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. <i>for Summary Judgment Motion</i> (O'Reilly, Arthur) (Entered: 12/13/2018) |
| 12/14/2018 | 21 | RESPONSE TO REQUEST for pre-motion conference by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. <i>for Summary Judgment Motion</i> 20 and <i>Department of Labor Pre-Motion Conference Request</i> 15 ; filed by Varnum LLP (Phelps, Aaron) Modified text on 12/14/2018 (ems). (Entered: 12/14/2018) |
| 12/17/2018 | 22 | ORDER scheduling a pre-motion conference regarding document number 20 : pre-motion conference is set for 1/9/2019 at 02:30 PM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 12/17/2018) |
| 01/02/2019 | 23 | JOINT STATUS REPORT (Phelps, Aaron) (Entered: 01/02/2019) |
| 01/09/2019 | 24 | MOTION to stay by defendant United States Department of Labor; (Almassian, Carolyn) (Entered: 01/09/2019) |
| 01/09/2019 | 25 | CERTIFICATE regarding compliance with LCivR 7.1(d) re MOTION to stay 24 filed by United States Department of Labor (Almassian, Carolyn) (Entered: 01/09/2019) |
| 01/09/2019 | 26 | ORDER granting to an extent 24 motion to stay; notice cancelling today's proceedings to issue; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 01/09/2019) |
| 01/09/2019 | 27 | NOTICE cancelling today's Rule 16 scheduling conference (Judge Janet T. Neff, rmw) (Entered: 01/09/2019) |
| 01/09/2019 | 28 | NOTICE cancelling today's pre-motion conference (Judge Janet T. Neff, rmw) (Entered: 01/09/2019) |
| 02/01/2019 | 29 | UNOPPOSED MOTION for order <i>To Lift Stay</i> by defendant United States Department of Labor; (Attachments: # 1 Proposed Order to Lift Stay) (Almassian, Carolyn) Modified text on 2/4/2019 (ems). (Entered: 02/01/2019) |
| 02/01/2019 | 30 | CERTIFICATE regarding compliance with LCivR 7.1(d) re UNOPPOSED MOTION for order <i>To Lift Stay</i> 29 filed by United States Department of Labor (Almassian, Carolyn) Modified text on 2/4/2019 (ems). (Entered: 02/01/2019) |
| 02/20/2019 | 31 | ORDER granting 29 motion to lift stay; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 02/20/2019) |
| 02/20/2019 | 32 | MOTION to stay <i>proceedings</i> by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co.; (Attachments: # 1 Exhibit A) (Marshall, C.) (Entered: 02/20/2019) |
| 02/20/2019 | 33 | BRIEF in support of MOTION to stay <i>proceedings</i> 32 filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Marshall, C.) (Entered: 02/20/2019) |
| 02/20/2019 | 34 | CERTIFICATE regarding compliance with LCivR 7.1(d) re MOTION to stay <i>proceedings</i> 32 filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Marshall, C.) (Entered: 02/20/2019) |
| 03/01/2019 | 35 | NOTICE re 32 of <i>Supplemental Authority</i> by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Attachments: # 1 Exhibit A) (Marshall, C.) (Entered: 03/01/2019) |
| 03/06/2019 | 36 | RESPONSE TO MOTION to stay <i>proceedings</i> 32 filed by Varnum LLP (Attachments: # 1 Exhibit A - Settlement Agreement with BCBSM, # 2 Exhibit B - Stipulated Protective Order, # 3 Exhibit C - Trial Exhibits 524-527, # 4 Exhibit D - Forms 5500, # 5 Exhibit E - Information re Form 5500 Series, # 6 Exhibit F - Search, # 7 Exhibit G - FreeERISA Benefits website) (Phelps, Aaron) (Entered: 03/06/2019) |
| 03/12/2019 | 37 | UNOPPOSED MOTION for leave to file <i>reply in support of motion to stay proceedings</i> 32 by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co.; (Attachments: # 1 Exhibit A (Proposed Reply)) (Marshall, C.) (Entered: 03/12/2019) |
| 03/12/2019 | 38 | CERTIFICATE regarding compliance with LCivR 7.1(d) re UNOPPOSED MOTION for leave to file <i>reply in support of motion to stay proceedings</i> 32 37 filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Marshall, C.) (Entered: 03/12/2019) |

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| 03/13/2019 | 39 | ORDER denying 32 motion to stay; granting 37 motion for leave to file; signed by Judge Janet T. Neff (Judge Janet T. Neff, clb) (Entered: 03/13/2019) |
| 03/13/2019 | 40 | REPLY to response to motion 32 (as filed per Order 39) filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (ems) (Entered: 03/13/2019) |
| 03/14/2019 | 41 | ORDER scheduling a pre-motion conference regarding document numbers 13 , 20 : pre-motion conference is set for 4/26/2019 at 01:30 PM at 401 Federal Building, Grand Rapids, MI before Judge Janet T. Neff; signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 03/14/2019) |
| 04/26/2019 | 42 | MINUTES of pre-motion conference re 13 , 20 held before Judge Janet T. Neff (Court Reporter: Paul Brandell) (Judge Janet T. Neff, rmw) (Entered: 04/26/2019) |
| 04/26/2019 | | (NON-DOCUMENT) ATTORNEY APPEARANCE of Perrin Rynders on behalf of plaintiff Varnum LLP (Rynders, Perrin) (Entered: 04/26/2019) |
| 04/26/2019 | | (NON-DOCUMENT) ATTORNEY APPEARANCE of Seth B. Arthur on behalf of plaintiff Varnum LLP (Arthur, Seth) (Entered: 04/26/2019) |
| 04/26/2019 | 43 | PRE-MOTION CONFERENCE ORDER setting forth the briefing schedule re anticipated motions for summary judgment; signed by Judge Janet T. Neff (Judge Janet T. Neff, clb) (Entered: 04/26/2019) |
| 04/29/2019 | | (NON-DOCUMENT) ATTORNEY APPEARANCE of Michelle R. Heikka on behalf of intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Heikka, Michelle) (Entered: 04/29/2019) |
| 05/24/2019 | 44 | NOTICE re 43 <i>Proof of Delivery</i> by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Attachments: # 1 Exhibit A (Cover Letter), # 2 Exhibit B (Proof of Delivery)) (Marshall, C.) (Entered: 05/24/2019) |
| 07/22/2019 | 45 | PROOF OF SERVICE by plaintiff Varnum LLP for Joint Statement of Facts, Plaintiff's Motion for Summary Judgment, Brief in Support of Plaintiff's Motion for Summary Judgment, and Exhibits (Arthur, Seth) (Entered: 07/22/2019) |
| 08/19/2019 | 46 | CERTIFICATE OF SERVICE by defendant United States Department of Labor for Defendant's Response to Motion For Summary Judgment and Memorandum In Support of Cross Motion For Summary Judgment (Almassian, Carolyn) (Entered: 08/19/2019) |
| 08/19/2019 | 47 | CERTIFICATE OF SERVICE by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co. for BCBSM's Cross-Motion for Summary Judgment, Brief in Support thereof and in Opposition to Varnum's Motion for Summary Judgment, and Declaration (Marshall, C.) (Entered: 08/19/2019) |
| 09/03/2019 | 48 | MOTION for summary judgment by plaintiff Varnum LLP; (Arthur, Seth) (Entered: 09/03/2019) |
| 09/03/2019 | 49 | JOINT EXHIBIT BOOK re MOTION for summary judgment 48 (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D, # 5 Exhibit E, # 6 Exhibit F, # 7 Exhibit G, # 8 Exhibit H, # 9 Exhibit I, # 10 Exhibit J, # 11 Exhibit K, # 12 Exhibit L, # 13 Exhibit M, # 14 Exhibit N) (Arthur, Seth) Modified text on 9/3/2019 (ems). (Entered: 09/03/2019) |
| 09/03/2019 | 50 | JOINT STATEMENT of material facts re MOTION for summary judgment 48 (Arthur, Seth) (Entered: 09/03/2019) |
| 09/03/2019 | 51 | BRIEF in support of MOTION for summary judgment 48 filed by Varnum LLP (Arthur, Seth) (Entered: 09/03/2019) |
| 09/03/2019 | 52 | MOTION for summary judgment (<i>Defendant's Cross-Motion For Summary Judgment</i>) by defendant United States Department of Labor; (Almassian, Carolyn) Modified text on 9/4/2019 (ems). (Entered: 09/03/2019) |
| 09/03/2019 | 53 | RESPONSE TO MOTION for summary judgment 48 (<i>Defendant's Response to Motion For Summary Judgment 48 and Memorandum in Support of Cross Motion For Summary Judgment 52</i>) filed by United States Department of Labor (Almassian, Carolyn) Modified text on 9/4/2019 (ems). (Entered: 09/03/2019) |
| 09/03/2019 | 54 | CERTIFICATE regarding compliance with LCivR 7.1(d) re MOTION for summary judgment (<i>Defendant's Cross-Motion For Summary Judgment</i>) 52 filed by United States Department of Labor (Almassian, Carolyn) Modified text on 9/4/2019 (ems). (Entered: 09/03/2019) |
| 09/03/2019 | 55 | CROSS MOTION for summary judgment by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co.; (Marshall, C.) (Entered: 09/03/2019) |

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| 09/03/2019 | 56 | BRIEF in support of CROSS MOTION for summary judgment 55 <i>and in opposition to Varnum's Motion for Summary Judgment</i> 48 filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Marshall, C.) (Entered: 09/03/2019) |
| 09/03/2019 | 57 | REPLY to response to motion 48 , RESPONSE TO CROSS MOTION for summary judgment 55 filed by Varnum LLP (Arthur, Seth) Modified text on 9/4/2019 (ems). (Entered: 09/03/2019) |
| 09/10/2019 | 58 | UNOPPOSED MOTION for leave to file <i>Reply in Support of Cross-Motion for Summary Judgment</i> by intervenor Blue Cross Blue Shield of Michigan Mutual Insurance Co.; (Attachments: # 1 Exhibit A (Proposed Reply)) (Marshall, C.) (Entered: 09/10/2019) |
| 09/10/2019 | 59 | CERTIFICATE regarding compliance with LCivR 7.1(d) re UNOPPOSED MOTION for leave to file <i>Reply in Support of Cross-Motion for Summary Judgment</i> 58 filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (Marshall, C.) (Entered: 09/10/2019) |
| 09/12/2019 | 60 | ORDER granting 58 motion for leave to file reply; the Clerk of Court shall accept for filing the proposed reply (ECF No. 58-1); signed by Judge Janet T. Neff (Judge Janet T. Neff, rmw) (Entered: 09/12/2019) |
| 09/12/2019 | 61 | REPLY to response to motion 55 <i>(as filed per Order</i> 60 <i>)</i> filed by Blue Cross Blue Shield of Michigan Mutual Insurance Co. (ems) (Entered: 09/13/2019) |